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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Dexter L. Griffin,

12 Petitioner,

13 v.

14 Brandon Price,

15 Respondent.
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No. 2:20-cv-0304-KJM-KJN P

ORDER

17 Judgment was entered in this habeas corpus action in August after the court adopted the
18 Magistrate Judge’s findings and recommendations. *See* F&Rs, ECF No. 24; Order, ECF No. 27;
19 Judgment, ECF No. 28. Later the same month, Mr. Griffin filed a letter addressed to the Clerk’s
20 Office, which the court construes as a motion for relief from judgment under Rule 59(e). *See*
21 ECF No. 29.

22 Rule 59(e) offers an “extraordinary remedy, to be used sparingly in the interests of finality
23 and conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890
24 (9th Cir. 2000) (citation omitted). A district court may grant a Rule 59(e) motion if it “is
25 presented with newly discovered evidence, committed clear error, or if there is an intervening
26 change in the controlling law.” *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (en
27 banc) (emphasis omitted) (quoting *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th
28 Cir. 1999)). “A Rule 59(e) motion may not be used to raise arguments or present evidence for the

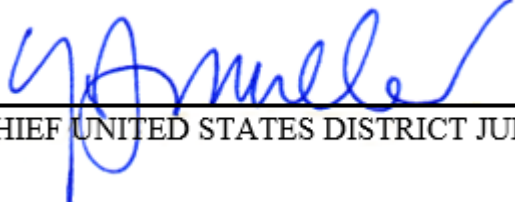
1 first time when they could reasonably have been raised or presented earlier in the litigation.”
2 *Kona*, 229 F.3d at 890 (emphasis omitted).

3 Mr. Griffin lists several legal authorities, which he describes as “New Facts,” and he
4 attaches copies of several cases. *See, e.g.*, Mot. at 2, 57–69 (citing and attaching *People v.*
5 *Costello*, No. D029126 (Cal. Ct. App. 4th Div. July 31, 1998)). These decisions do not identify
6 new evidence relevant to Mr. Griffin’s petition, demonstrate an intervening change in the law,
7 establish clear error, or show a “manifest injustice.” Mr. Griffin could have presented these
8 authorities earlier in the litigation.

9 The motion for reconsideration is **denied**. The court will disregard similar filings in the
10 future. This order resolves ECF No. 29.

11 IT IS SO ORDERED.

12 DATED: December 28, 2020.



CHIEF UNITED STATES DISTRICT JUDGE